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INTELLECTUAL PROPERTY LAW

MAR 06 2006

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## FACSIMILE TRANSMITTAL SHEET

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MS. AMENDMENT

DATE:

3/6/06

FAX NUMBER:

571-273-8300

TOTAL NO. OF PAGES:

28 32

YOUR REFERENCE NO.:

OUR REFERENCE (C/M) NO.:

01738.00149

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Response to Notice of  
Non-Compliance Amendment

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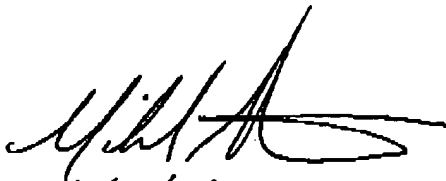
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,344	10/15/2003	Ivan Osorio	011738.00140	7817
22908	7590	02/24/2006	EXAMINER	
BANNER & WITCOFF, LTD. TEN SOUTH WACKER DRIVE SUITE 3000 CHICAGO, IL 60606			ASTORINO, MICHAEL C	
			ART UNIT	PAPER NUMBER
			3736	

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

11738.00149  
**DOCKETED**  
NOT. OF NON-COMPLIANCE  
MAR 01 2006 REC'D.  
Resp. Due: 3/26/06  
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<b>Notice of Non-Compliant Amendment (37 CFR 1.121)</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/687,344	OSORIO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael C. Astorino	3736	

  
Michael C. Astorino  
571-272-9723

Continuation Sheet (PTOL-324)

Application No.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 09 November 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_.
- ☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
The response was submitted by fax. The faxed document received including the claims and response was of poor quality. Specifically, certain characters were missing from the documents. The applicant should re-file the response by mail or from a fax machine that will transmit the document properly.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.

U.S. Patent and Trademark Office  
PTOL-324 (01-06)

Notice of Non-Compliant Amendment (37 CFR 1.121)

Part of Paper No. 0610

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TO: Auto-reply fax to 13124635001 COMPANY: 12/5/2005 5:51 PM PAGE 1/001 Fax Server

## Auto-Reply Facsimile Transmission



TO:

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12/05/2005 18:03 FAX 13124635001		BANNER & WITCOFF		005/032	
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<b>FACSIMILE TRANSMITTAL SHEET</b>					
<b>TO:</b>		<b>FROM:</b>			
U.S. Patent And Trademark Office		Bimal J. Patel			
<b>COMPANY:</b>		<b>DATE:</b>			
Mail Stop AMENDMENT		December 5, 2005			
<b>FAX NO:</b>		<b>TOTAL NO. OF PAGES:</b> (including cover sheet)			
671-373-6300		27			
<b>YOUR REFERENCE NO.:</b>		<b>OUR REFERENCE (CNR) NO.:</b>			
		011738.00146			
<b>RE:</b> Filing Of Response/Amendment and 1 month extension of time For U.S. Serial No. 184667,344 Application Of Ocular, et al. Filed October 15, 2003 Title: Screening Techniques For Management Of A Nervous System Disorder					
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PAGE 127 * RCVD AT 12/5/2005 5:41:08 PM [Eastern Standard Time] * PR-0010-0705-001 * CNR-2738300 * CSID: 13124635001 * DURATION (mm-ss): 10-16					


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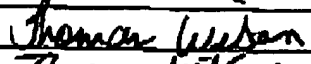
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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

<b>TRANSMITTAL FORM</b> <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/687,344
	Filing Date	October 15, 2003
	First Named Inventor	Osorio, et al.
	Art Unit	3736
	Examiner Name	Michael C. Astorino
Total Number of Pages in This Submission	Attorney Docket Number	011738.00149

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Banner & Witcoff, LTD.		
Signature			
Printed Name	Binal J. Patel		
Date	December 5, 2005	Reg. No.	42,065

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Signature			
Typed or printed name	Thomas Wilson	Date	December 5, 2005

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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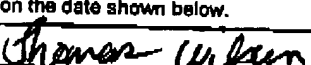
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/887,344
	Filing Date	October 15, 2003
	First Named Inventor	Osorio, et al.
	Art Unit	3736
	Examiner Name	Michael C. Astorino
Total Number of Pages in This Submission	Attorney Docket Number	011738.00149

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Printed Name	Binal J. Patel		
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Typed or printed name	Thomas Wilson	Date	December 5, 2005

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<b>FAX NO.:</b> 571-273-8300	<b>TOTAL NO. OF PAGES:</b> (Including cover sheet) 27
<b>YOUR REFERENCE NO.:</b>	<b>OUR REFERENCE (C/M) NO.:</b> 011738.00149

**RE:** Filing Of Response/Amendment and 1 month extension of time For U.S. Serial No.,  
10/687,344  
Application Of Osorio, et al.  
Filed October 15, 2003  
Title: Screening Techniques For Management Of A Nervous System Disorder

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